

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Commerce and Consumer Affairs, to which was referred House Bill No. 1434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the amendment made on motion of Representative Grubb
- 2 adopted February 8, 1999.
- 3 Page 1, delete lines 1 through 10, begin a new paragraph and insert:
- 4 "SECTION 1. IC 8-1-29-1.3 IS ADDED TO THE INDIANA CODE
- 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1, 1999]: **Sec. 1.3. As used in this chapter, "letter of agency" means**
- 7 **a written statement that a customer signs that authorizes a change**
- 8 **to that customer's primary interexchange carrier or primary local**
- 9 **exchange carrier.**
- 10 SECTION 2. IC 8-1-29-1.5 IS ADDED TO THE INDIANA CODE
- 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 1999]: **Sec. 1.5. As used in this chapter, "preferred carrier**
- 13 **change order" means a request to change a customer's**
- 14 **telecommunications provider.**
- 15 SECTION 3. IC 8-1-29-2 IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 1999]: **Sec. 2. As used in this chapter,**
- 17 **"telecommunications" means the electronic transmission, between or**
- 18 **among points specified by the user, of information of the user's**
- 19 **choosing, without change in the form or content of the information sent**

1 and received. **The term does not include commercial mobile radio**
 2 **service (as defined in 47 U.S.C. 332).**

3 SECTION 4. IC 8-1-29-5.5 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 1999]: **Sec. 5.5. A telecommunications provider may not submit**
 6 **a preferred carrier change order unless the order has first been**
 7 **confirmed in accordance with one (1) of the following procedures:**

8 (1) **The telecommunications provider has obtained the**
 9 **customer's written authorization through a letter of agency.**

10 (2) **The telecommunications provider has obtained the**
 11 **customer's electronic authorization:**

12 (A) **to submit a preferred carrier change order; and**

13 (B) **placed from a telephone number on which the**
 14 **telecommunications service is to be changed.**

15 **A call to the telecommunications provider under this**
 16 **subdivision must connect the customer to a voice response**
 17 **unit or a similar mechanism that records the required**
 18 **information regarding the preferred carrier change, including**
 19 **automatically recording the automatic number identification.**

20 (3) **An appropriately qualified and independent third party**
 21 **has obtained the customer's oral authorization to submit the**
 22 **preferred carrier change order. Such an authorization must**
 23 **confirm and include appropriate verification of the**
 24 **customer's identity.**

25 (4) **Any other procedure approved by the commission.**

26 SECTION 5. IC 8-1-29-6 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 1999]: **Sec. 6. The commission shall adopt rules**
 28 **under IC 4-22-2 designed to implement IC 8-1-29-5.5. The**
 29 **commission's rules shall ensure that a customer of a**
 30 **telecommunications provider is not:**

31 (1) **switched to another telecommunications provider without the**
 32 **customer's authorization; or**

33 (2) **billed for additional services by a telecommunications**
 34 **provider that without the customer's authorization added the**
 35 **services to the customer's service order.**

36 **The rules adopted under this section must be consistent with rules**
 37 **adopted by the Federal Communications Commission concerning**
 38 **verification procedures for the switching of a customer's**

1 telecommunications provider.

2 SECTION 6. IC 8-1-29-7 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: Sec. 7. A complaint may be filed with
4 the commission by **any of the following**:

- 5 (1) A customer of a telecommunications provider who has been:
6 (A) switched by one (1) telecommunications provider to
7 another telecommunications provider without the customer's
8 authorization; or
9 (B) billed for services by a telecommunications provider that
10 without the customer's authorization added the services to the
11 customer's service order.
12 (2) A telecommunications provider that has been removed as a
13 customer's telecommunications provider without the customer's
14 authorization. ~~or~~
15 (3) The commission on its own motion.
16 **(4) The office of the utility consumer counselor.**

17 A hearing held on a complaint filed under this section must be
18 consistent with IC 8-1-1-8.

19 SECTION 7. IC 8-1-29-9 IS ADDED TO THE INDIANA CODE
20 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 1999]: **Sec. 9. (a) If after notice and hearing the commission finds**
22 **that a telecommunications provider has violated this chapter or**
23 **rules adopted under this chapter, the commission may impose a**
24 **civil penalty of not more than two thousand five hundred dollars**
25 **(\$2,500) for each offense.**

26 **(b) The secretary of the commission shall deposit civil penalties**
27 **collected under subsection (a) in the state general fund."**

28 Page 2, line 4, delete "and does not include" and insert "**and does**
29 **not include a charitable organization that resells used clothing or**
30 **household items."**

31 Page 2, delete line 5.

32 Page 4, line 38, delete "," and insert ",".

33 Page 5, line 1, delete "subsections" and insert "**subsection**".

34 Page 5, line 1, before "The" begin a new line blocked left.

35 Page 5, line 9, delete ":" and insert "**all of the following**:".

36 Page 5, line 10, delete "(1) the" and insert "**(1) The**".

37 Page 5, line 11, delete ";" and insert ".".

38 Page 5, line 12, delete "(2) the" and insert "**(2) The**".

- 1 Page 5, line 13, delete "; and" and insert ".".
 - 2 Page 5, line 14, delete "(3) the" and insert "**(3) The**".
 - 3 Page 5, between lines 16 and 17, begin a new line block indented
 - 4 and insert:
 - 5 **"(4) The percentage of the charitable contribution that will be**
 - 6 **expended for charitable purposes after administrative costs**
 - 7 **and the costs of making the solicitation have been satisfied."**
 - 8 Page 5, delete lines 17 through 42.
 - 9 Page 6, delete lines 1 through 13.
 - 10 Renumber all SECTIONS consecutively.
- (Reference is to HB 1434 as reprinted February 3, 1999, and as amended on motion of Representative Grubb, adopted February 8, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Mills

Chairperson